

The Commonwealth of Massachusetts

ANNUAL REPORT

of the

Mass. BOARD OF PROBATION

for the

Year Ending December 31, 1939



BOARD OF PROBATION

206 New Court House
BOSTON

FEB 4 1941

BOARD OF PROBATION
STATE HOUSE, BOSTON

ANNUAL REPORT

To the Honorable Senate and House of Representatives:

The Board of Probation herewith respectfully submits its thirty-first annual report, for the year ending December 31, 1939:

Seven regular monthly meetings have been held during the year in addition to the six special meetings to consult with appointees to the service as required by Chapter 360 of the Acts of 1936.

Consultation of the record data maintained by this Board according to statute continues to grow. The number of such inquiries has increased from 224,000 in 1938 to 229,200 this year. Thousands of new court records and entries are annually added to the more than 1,775,000 cards now in the files. Not since 1927 have these files been re-read for errors and re-guided for better spacing, although their growth and activity have more than doubled. To relieve congestion and insure accuracy and promptness in service to the courts, the files should be given such treatment every five or six years, yet recent requests for funds for this purpose have met with failure. The Board reiterates the strong conviction expressed in its last year's report that "if these operations are again postponed, the cost will necessarily increase and, in the meantime, the speed and accuracy of the service to the courts will suffer severely."

After a thorough study of the above situation and in an endeavor to secure suggestions relative to ameliorating the acute problem which it presents, the Board held a conference with judicial representatives of the Superior Court, the Administrative Committee of District Courts, and the presiding justices of the Boston Municipal and Boston Juvenile Courts. Various suggestions were discussed involving the elimination from the active files of certain classes of records which showed only offences of a minor character. The consensus of opinion of the judiciary present was that any material elimination would impair the value of the service to the courts. It was finally agreed, without dissent, that cards of persons 70 years of age or over could safely be transferred to a separate file, in the hope that the number of such record cards would be sufficient to give some relief from the present condition of over-crowding. Such cards will not be destroyed and will be available for quick reference upon inquiry from the courts or other agencies served, since the data given on inquiry ordinarily includes the age of the subject. The work of locating the cards to be extracted under this program was begun immediately by the office staff of the Board and is progressing as rapidly as possible in view of the limited amount of time available for such work outside the ordinary routine of the office. It is estimated that about 10% of the total number of cards in the files will fall within this classification. However, in view of the large number of new record cards which are added daily to the files, as reports of new offenders come in from the courts, it is obvious that any relief afforded by this method will be relatively small. Therefore, the Board wishes again to emphatically state that prompt, thorough and adequate treatment of the files is immediately necessary to prevent serious impairment of its statutory obligation to furnish quick and accurate information to the courts of this Commonwealth. The Board also wishes to reaffirm its unanimous belief that the additional work of "re-reading" the entire file to detect and correct errors and of "re-guiding", in aid of speed in locating individual cards, should be promptly authorized.

Increased use of the facilities of Massachusetts probation supervision is being made by New England states under the Interstate Probation Compacts. Satisfactory reports from states making use of this service indicate the practicability of this form of remote control of resident probationers who leave one state for another.

The downward trend in delinquency and criminal prosecutions continues as indicated by the decrease in number of daily court record cards received by this Board from approximately 172,000 in 1938 to 165,700 this year. The number of juveniles appearing in court also shows a decrease from 5,072 to 4,735, in these years.

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The Board has continued the policy of conducting five Spring regional conferences of officers throughout the Commonwealth and a state-wide Fall conference in Boston. These meetings have been well attended and active discussion of service problems was had. The fourth annual New England Conference on Probation, Parole and Crime Prevention was held in Portland, Maine. The first of these conferences was held in Boston in 1936; in Providence, R. I., and in Burlington, Vt., in succeeding years. This Board, through its commissioner, is greatly interested in these gatherings of public and private persons engaged in the fields of delinquency and crime. They have enabled officials in the six New England states to become acquainted with one another and to discuss their problems, resulting in a quickening of co-operation and a raising of standards of work in the more backward communities.

According to the figures compiled in this office and given in detail in the report of the Commissioner herewith, 23,912 persons were placed on probation in Massachusetts in 1939. This is fewer in number than the previous year when 25,296 persons were given this treatment.

Probation results show a slight increase this year over last. Of the 23,350 individuals whose probation periods terminated this year, 75% had their cases filed or discharged, 20% were surrendered to the court as unsatisfactory (of which group nearly 9 of every 10 were committed), and approximately 5% were in default.

There has been a decrease in the number of male and female drunkenness arrests this year. Drunkenness constitutes by far the most frequent offence for which men and women are given probation, contributing more than a third to the total, with offences against property, motor vehicle law violations, and domestic relations coming next in the order named.

The figure of 25,622 persons remaining on probation December 31, 1939 shows fewer persons (by some 500) thus remaining under the jurisdiction of the courts when compared with the year 1938, and is in keeping with the reduced number placed on probation in the Commonwealth during the current year.

The total sum collected by the probation offices through the Commonwealth in the year under consideration was slightly under two million dollars (\$1,985,377), which is some \$42,720 more than was collected in 1938. We appreciate that merely collecting money should not be used as a yardstick in measuring good probation work, but it is heartening to know that more than three-quarters (\$1,604,398) of the total amount collected came from nonsupporting husbands, parents, and others charged with the statutory duty of support.

The wide range of services rendered the Massachusetts communities through the probation officers, their clerical assistants, and the personnel in the Board's office were maintained at a cost of \$815,459. This is equivalent to a net per capita cost of approximately \$32.75 per probationer per year, as against a per capita cost of \$392 per inmate of our state correctional institutions.

Respectfully submitted,

B. LORING YOUNG, *Chairman*

MARY E. DRISCOLL

ROBERT E. GOODWIN

DANIEL NEEDHAM

RICHARD A. WALSH

REPORT OF THE COMMISSIONER

To the Honorable Board of Probation:

Herewith is submitted the annual report of your commissioner for the year ending December 31, 1939.

THE SERVICE

ADULT PROBATION—In Massachusetts the bulk of probation work is given over to the investigation and supervision of adults. Many other states retain probation for juveniles only, or restrict its use to adult offences coming within the misdemeanor

category. Approximately one of every three persons convicted in our superior courts is placed on probation, while nearly one of every four convictions in the district courts is given this treatment. This relatively frequent use of probation indicates the continuing, and, in many instances, the increasing, reliance placed on it by judges in preference to commitment or the imposition of fines without probation. Although drunkenness and motor vehicle violations claim a half of all persons placed on probation, the more serious offences against the person or property or the various phases of domestic problems supply more than one-quarter of the total number placed on probation. Approximately 90% of the persons placed on probation are adult, of which the women constitute one of every ten persons.

Of the 202 probation officers in Massachusetts, distributed as follows:

	Men	Women	Total
Superior Courts	26	8	34
Municipal, Boston Juvenile and District Courts	127	41	168
	153	49	202

29, or 14%, devote their entire time to juvenile work, the remaining 173 officers divide their time between both adults and juveniles where necessary.

Juvenile Delinquency—Your Board is authorized by statute to supervise the probation work of delinquent children and to "make necessary inquiries in regard to the same". Your commissioner makes it a practice in his court visits to particularly discuss with the several officers the juvenile phase of their work.

Detailed delinquency figures kept in your offices show a steady decrease in the number of juvenile delinquents appearing in our courts from 7,459 in 1932 to 4,735 in 1939. Several factors are undoubtedly responsible for this diminution. However, a major contributory factor in this decrease has been the growing practice of lower courts to require investigation by probation officers of juvenile matters prior to issuance of complaints. Many matters are thus adjusted by the probation departments without recourse to a court hearing. Approximately 2,750 of these non-judicial cases were so handled this year. The co-operation of the police, school authorities and other community agencies was most helpful. It is noteworthy that sixty of every one hundred such cases were handled by courts having officers giving their full time to work with children.

Despite no statutory direction to appoint or designate juvenile probation officers as such, 15 lower courts, exclusive of the Boston Juvenile Court, require 25 of their officers to devote full time to work with juveniles, and deal with more than one-half of all delinquency in the Commonwealth. A second group of 15 courts, with more than one officer each, assigns the younger juveniles along with girls and female adults to the woman officer. This group accounts for approximately one-quarter of all delinquency. A third group, having contact with less than one-quarter (18%) of delinquency, is comprised of some 42 courts, each having one probation officer to care for both adult and juvenile work.

Of the 4,735 juveniles before our courts this year, more than one-half (52%) were placed on probation at the time of their original appearance, one-tenth (9%) were committed to state and county schools or the Department of Public Welfare, and less than one-half (39%) were discharged, bound over, or had their cases filed. The ratio of satisfactory probationers was higher in the juvenile than in the adult group, with the opposite being true relative to commitments following surrender or failure on probation. However, of the 262 juvenile commitments following such surrenders, nearly two-thirds (63%) were from courts which have full-time juvenile service.

Court Record Bureau. As your Board is aware, this phase of the work continues to grow. Inquiries are increasing from courts, the police and other authorized agencies. The files continue to present a problem to the personnel in your office, due to congestion and scantiness of guiding. Your suggestions as to ways and means of ameliorating the difficult situation have brought limited relief, but have helped to stem what would otherwise be a most difficult situation. The expertness attained by the clerical force, together with their patience and friendly contacts with the courts and public generally have helped much to bring about a cheerfully co-operative spirit among public units and the citizens requesting service.

The state-wide central court record bureau, established by authority of the Legislature and painstakingly organized, is one of the most important adjuncts of our probation system. It is the model for other states in setting up a like information service in their judicial system. However, the effectiveness of such a bureau is materially impaired unless periodic check-ups are made.

Field Work. Your commissioner is responsive to calls for community programs, speaking appointments, and requests from courts for assistance in special local problems or general conferences. During his visits to the seventy-four district and eight upper court probation offices, he is mindful of the necessity for fostering and encouraging co-operative effort between the probation service and public and private agencies in the field of social welfare work; he is aware of the responsibility for raising the standard of probation work where it tends to fall below the norm, and to direct his efforts toward bringing about a better understanding of the aims of the service among the several communities. Your commissioner realizes that your Board feels its influence for better co-ordination and organization of the probation service in the courts is enhanced through an advisory relationship rather than by securing for itself added administrative authority. He endorses this attitude and is most appreciative of your continued efforts to secure adequate field personnel to give sustained follow-up attention to constructive suggestions of your Board than is possible for him to do alone.

STATISTICS

The following tables, for the most part, are compiled in your central office from daily record cards received from the several probation offices throughout the Commonwealth. These figures are based on the individuals who appeared in court—each person being counted once, regardless of the number of counts he may have had against him in any one court appearance.

These tables show the general probation picture for the Commonwealth. Detailed figures as to any court are immediately available, and are frequently consulted by courts and other authorized agencies.

Persons Placed on Probation

	JUVENILES		ADULTS		TOTAL
	Boys	Girls	Men	Women	
Superior Courts	52	3	1,798	137	1,990
Municipal, Boston Juvenile and District Courts	2,190	187	17,366	2,179	21,922
Total	2,242	190	19,164	2,316	23,912
	(9.4%)	(0.8%)	(80.1%)	(9.7%)	(100%)

Types of Probation

Probation supervision with sentences suspended still continues to absorb more than one-half (50.7%) the probation load, with straight probation (supervision without the imposition of sentence) in second place with slightly more than one-third (36.9%), and probation following the suspension of a fine being given in relatively few instances.

The following table is illustrative of the uses of these types:

	JUVENILES				ADULTS				TOTAL	
	Boys	%	Girls	%	Men	%	Women	%	Persons	%
Straight Probation	1,501	67.0	118	62.1	6,175	32.2	1,029	44.4	8,823	36.9
Suspended Commitments	729	32.5	72	37.9	10,111	52.8	1,210	52.3	12,122	50.7
Suspended Fines	12	0.5	—	—	2,878	15.0	77	3.3	2,967	12.4
Total	2,242	100.0	190	100.0	19,164	100.0	2,316	100.0	23,912	100.0

Length of Probation

An interesting tendency which is having slow but steady growth is that of the courts imposing longer supervisory periods, noted by the following figures:

	STRAIGHT PROBATION		SUSPENDED COMMITMENTS		TOTAL	
	Persons	%	Persons	%	Persons	%
3 months and less	1,460	16.6	980	8.1	2,440	11.6
Over 3 to 6 months	3,082	34.9	4,773	39.4	7,855	37.5
Over 6 months to 1 year	3,055	34.6	4,817	39.7	7,872	37.6
Over 1 year	1,219	13.8	1,526	12.6	2,745	13.1
Indeterminate	7	0.1	26	0.2	33	0.2
Total	8,823	100.0	12,122	100.0	20,945	100.0

The breakdown of these periods as to juveniles and adults has some interest in the fact that there appears to be opinion that juveniles generally should be given longer supervision than adults.

Straight Probation and Suspended Commitments	JUVENILES				ADULTS				TOTAL	
	Boys	%	Girls	%	Men	%	Women	%	Persons	%
3 months and less . . .	346	15.5	65	34.2	1,879	11.5	150	6.7	2,440	11.6
Over 3 to 6 months . . .	593	26.6	28	14.7	6,132	37.7	1,102	49.2	7,855	37.5
Over 6 months to 1 year . . .	1,042	46.7	75	39.5	5,934	36.4	821	36.7	7,872	37.6
Over 1 year . . .	249	11.2	20	10.5	2,313	14.2	163	7.3	2,745	13.1
Indeterminate . . .	—	—	2	1.1	28	0.2	3	0.1	33	0.2
Total . . .	2,230	100.0	190	100.0	16,286	100.0	2,239	100.0	20,945	100.0

Probation by Offences

There is slight variation, if any, from year to year in the relative position of offences, based on the frequency of offenders having been given probation treatment.

	JUVENILES				ADULTS				TOTAL	
	Boys	%	Girls	%	Men	%	Women	%	Persons	%
Drunkenness	2	0.1	2	1.0	7,905	41.3	1,045	45.1	8,954	37.4
Offences Against Property (Arson, Breaking & Enter- ing, Larceny, Frauds, etc.)	1,628	72.6	49	25.8	2,691	14.1	221	9.5	4,589	19.2
Motor Vehicle Law Viola- tions	152	6.8	1	0.5	2,650	13.8	59	2.6	2,862	12.0
Domestic Relations (Non- support, Desertion, Il- legitimacy, etc.)	1	0.0	—	—	2,359	12.3	110	4.8	2,470	10.3
Offences Against Person (Manslaughter, Assaults, Robbery, Threats, etc.)	71	3.2	3	1.6	1,363	7.1	78	3.4	1,515	6.3
Sex Offences	52	2.3	34	17.9	794	4.1	604	26.1	1,484	6.2
Offences Against Public Order (Vagrancy, Carry- ing Dangerous Weapon, City Ordinance, Per- jury, Impersonation, etc.)	73	3.3	4	2.1	1,189	6.2	91	3.9	1,357	5.7
Liquor Law violations	—	—	—	—	65	0.3	24	1.0	89	0.4
All others	263	11.7	97	51.1	148	0.8	84	3.6	592	2.5
Total	2,242	100.0	190	100.0	19,164	100.0	2,316	100.0	23,912	100.0

The following table shows the ratio the four age and sex divisions (boys, girls, men and women) bear to the offence total for which probation was given.

	JUVENILES				ADULTS				TOTAL	
	Boys	%	Girls	%	Men	%	Women	%	Persons	%
Drunkenness	2	0.0	2	0.0	7,905	88.3	1,045	11.7	8,954	100.0
Offences Against Property (Arson, Breaking & Enter- ing, Larceny, Frauds, etc.)	1,628	35.5	49	1.1	2,691	58.6	221	4.8	4,589	100.0
Motor Vehicle Law Viola- tions	152	5.3	1	0.0	2,650	92.6	59	2.1	2,862	100.0
Domestic Relations (Non- support, Desertion, Il- legitimacy, etc.)	1	0.0	—	—	2,359	95.5	110	4.5	2,470	100.0
Offences Against Person (Manslaughter, Assaults, Robbery, Threats, etc.)	71	4.7	3	0.2	1,363	90.0	78	5.1	1,515	100.0
Sex offences	52	3.5	34	2.3	794	53.5	604	40.7	1,484	100.0
Offences Against Public Order (Vagrancy, Carry- ing Dangerous Weapon, City Ordinance, Per- jury, Impersonation, etc.)	73	5.4	4	0.3	1,189	87.6	91	6.7	1,357	100.0
Liquor Law violations	—	—	—	—	65	73.0	24	27.0	89	100.0
All others	263	44.4	97	16.4	148	25.0	84	14.2	592	100.0
Total	2,242	9.4	190	0.8	19,164	80.1	2,316	9.7	23,912	100.0

Probation Population

These figures, annually forwarded this office by probation officers, show the number of probationers remaining on probation December 31st.

	JUVENILES		Total	ADULTS		Total	Aggregate
	Boys	Girls		Men	Women		
Superior Courts	63	2	65	4,818	233	5,051	5,116
Municipal, Boston Juvenile and District Courts	2,394	292	2,686	15,970	1,850	17,820	20,506
Total	2,457	294	2,751	20,788	2,083	22,871	25,622

Money Collections

Individuals neglecting the duty to support their families were placed on probation and ordered to contribute weekly toward the family's support. However, like results were achieved, in many instances, through conference with the families and without recourse to the courts. The following table has its chief interest in the fact that the sum of more than one and one-half million dollars was collected from these delinquent supporters for the benefit of their families:

	Restitution	Non support	Suspended Fines	Miscellaneous	Total
Superior Courts	\$34,704.53	\$292,068.50	\$17,889.25	\$118.22	\$344,780.50
Municipal, Boston Juvenile and District Courts	75,349.23	1,312,330.32	249,927.89	2,989.85	1,640,597.29
Total	\$110,053.76	\$1,604,398.82	\$267,817.14	\$3,108.07	\$1,985,377.79

Probation Results

The results of probation graphically picture the effectiveness of probation treatment as viewed by the courts. Herewith are figures for 1939:

	SUPERIOR COURTS		Municipal, Boston Juvenile, and District Courts		Total	
	Persons	%	Persons	%	Persons	%
Surrendered	350	18.5	4,232	19.7	4,582	19.6
Defaulted	71	3.7	1,208	5.6	1,279	5.5
Filed or Discharged	1,465	77.4	15,915	74.2	17,380	74.4
Appealed	—	—	64	0.3	64	0.3
Sentence Revised	7	0.4	39	0.2	46	0.2
Total	1,893	100.0	21,458	100.0	23,351	100.0

These results, when distributed as to juveniles and adults, have interest, particularly the figures showing the ratio of commitments following surrender:

	JUVENILES				ADULTS				TOTAL	
	Boys	%	Girls	%	Men	%	Women	%	Persons	%
Surrendered*	282	12.4	49	22.5	3,838	20.6	413	18.8	4,582	19.6
Defaulted	29	1.3	1	0.4	1,027	5.5	222	10.1	1,279	5.5
Filed or Discharged	1,950	86.1	168	77.1	13,707	73.4	1,555	70.7	17,380	74.4
Appealed	3	.1	—	—	56	.3	5	.2	64	.3
Sentence Revised	2	.1	—	—	40	.2	4	.2	46	.2
Total	2,266	100.0	218	100.0	18,668	100.0	2,199	100.0	23,351	100.0
*Commitments following surrender	218	77.3	44	89.8	3,397	88.5	357	86.4	4,016	87.6

Drunk Arrests and Releases

Monthly reports from probation officers giving the number of drunk arrests and releases show a continuing decrease in arrests, as shown by the following annual compilations:

	ARRESTS		RELEASES		PERCENT RELEASED	
	1938	1939	1938	1939	1938	1939
Male	82,658	79,629	42,935	40,888	51.9	51.3
Female	5,300	4,966	2,160	1,958	40.8	39.4
Total	87,958	84,595	45,095	42,846	51.3	50.6

Cost of Probation Service

The cost of probation in the courts, which is borne by the several counties, has slightly increased this year due to additional personnel in some courts. The expenses of your Board show a decrease slightly under ten per cent. This decrease, to the advantage of the Commonwealth, is due in part to your department's having been furnished with quarters in the New Suffolk County Court House.

	Salaries	Pro Tem Officers	Clerical Assistance	Expense	Total
Probation Officers . . .	\$521,419.34	\$10,247.21	\$173,375.77	\$43,056.73	\$748,099.05
*Board of Probation . . .	9,060.00	—	51,354.62	6,945.77	67,360.39
Total . . .	\$530,479.34	\$10,247.21	\$224,730.39	\$50,002.50	\$815,459.44
*Financial statement verified.					

Approved: GEORGE E. MURPHY,
Comptroller.

Conclusion

Your commissioner and staff are appreciative of their responsibility for effective and accurate service to the courts, and are grateful for your efforts to improve standards of work both in your offices and in the field.

Respectfully submitted,

ALBERT B. CARTER
Commissioner.

CHANGES IN THE SERVICE

Essex, Northern Central District—Mrs. Margaret E. Sargent was appointed as an additional officer in the Haverhill District Court on July 1, 1939.

Essex, Southern District—J. Willis Ingalls was appointed January 7, 1939 to take the place of William J. McCafferty who resigned to accept a position with the court clerk.

Hampden, Eastern District—Davitt M. Rooney was appointed May 12, 1939 on the retirement of Charles A. Tabor, who was appointed in 1929.

Somerville District—Thomas F. Monahan was appointed May 29, 1939. James H. White was promoted to Chief on the retirement of William P. Jones who has labored continuously and faithfully since his appointment in 1912.

Middlesex, First Eastern District—George C. MacKinnon, Chief Probation Officer, of the Malden District Court, resigned December 30, 1939. David P. Rossiter, Jr., is Acting Chief Probation Officer.

Boston Municipal—Hyman Manevitch was appointed to fill a vacancy caused by the retirement of Albert J. Sargent. Mr. Sargent, appointed in 1906, has worked energetically for the raising of standards of probation work and the organization of the service in his court. He has been President of the National Probation Association and a member of its Board of Directors.

Mr. Joseph W. Crockwell was promoted to succeed Mr. Sargent as Chief.

Roxbury Municipal—Arthur K. Dauphin, Jr., was appointed as an additional officer on September 1, 1939.

West Roxbury Municipal—Edward P. Hayes was appointed December 17, 1939 to take the place of T. Henry Staples, who died October 18, 1939. Mr. Staples served the court as court officer from 1909 to 1919 and then as probation officer for twenty years.

